IN THE HIGH COURT OF JUDICATURE AT PATNA
MJC No.3592 of 1999
SUJIT KUMAR CHOUDHARY & ORS
Versus
THE STATE OF BIHAR & ORS

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21 26.08.2008 When the case was taken up on the last date i.e. on 22.8.2008, learned counsel for the parties prayed for adjournment. Learned counsel for the contemnor had suggested that during this period they will also think over the matter and come up with the definite stand on the next date. Today, when the case has been taken up, learned counsel for the contemnor informed this Court that they have thought over the matter and contemnor has decided to pay the due amount to the petitioners from his personal pocket.

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In the circumstances, he has produced three cheques in the name of three petitioners of Allahabad Bank Veselles Street, Kolkata. Cheque No. 337834 dated 13.8.2008 is in favour of petitioner S.K. Chaudhary for an amount of Rs. 45,612. Cheque No. 337835 dated 13.8.2008 is in favour of petitioner B. Jha for an amount of Rs. 121701. Similarly cheque No. 337836 is in favour of B.P. Samuel dated 13.8.2008 for an amount of Rs.48,974.

Learned counsel for the petitioners

accepts the cheque and he submits that in view of the due amount of the petitioners tendered by the contemnor through these three cheques, he has no further grievance against the contemnor. Now since the dispute has ended by tendering the due amount of the petitioners through three cheques, this Court does not intend to proceed with the matter and the contempt proceeding is dropped.

Learned counsel for the contemnor submits that the contemnor may be given liberty to claim the amount given to the petitioners from the Company which is under liquidation.

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Since the liability towards the petitioner was initially of the company and the contemnor has tendered this amount to the petitioner from his pocket to comply with the orders of this Court, liberty is granted to claim this amount from the Company assets which is under liquidation before Allahabad High Court.

Arvind/

(J. N. Singh, J.)